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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 JOHN L. JACKSON,

6 Petitioner,

7 v.

8 THE STATE OF NEVADA, et al.,

9 Respondents.

Case No. 3:21-cv-00035-HDM-WGC

ORDER

10 This habeas matter is before the Court on Petitioner John L.  
11 Jackson's failure to comply with the Court's Order (ECF No. 4) or  
12 the Local Rules of Practice.

13 Petitioner submitted an Application to Proceed *In Forma*  
14 *Pauperis* (ECF No. 1), Motion to Correct Illegal Sentence (ECF No.  
15 1-2), and Motion for Appointment of Counsel (ECF No. 1-3). On  
16 January 25, 2021, the Court denied Petitioner's Application to  
17 Proceed *In Forma Pauperis* finding he did not qualify for a fee  
18 waiver. A \$5.00 filing fee is required to initiate a habeas action  
19 in federal district court. 28 U.S.C. § 1914(a); Judicial Conference  
20 Schedule of Fees. The Court instructed Petitioner to pay the \$5  
21 filing fee no later than March 8, 2021.

22 In addition, the Court also instructed Petitioner to amend  
23 his pleading. Petitioner filed a motion to correct illegal sentence  
24 and the Court informed Petitioner that the only proper basis for  
25 his claims is 28 U.S.C. § 2254 because he is in custody pursuant  
26 to a state court judgment of conviction. See *White v. Lambert*, 370  
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1 F.3d 1002, 1005-07 (9th Cir. 2004), *overruled on other grounds by*  
2 *Hayward v. Marshall*, 603 F.3d 546, 555 (9th Cir. 2010) (en banc).  
3 Further, Petitioner did not name the correct respondent.  
4 Accordingly, the Court instructed to file an amended petition on  
5 the court's approved form no later than March 8, 2021. See LSR 3-  
6 1; Habeas Rule 2(d).

7 Petitioner was warned that a failure to comply by (a) paying  
8 the filing fee, and (b) amending his petition would result in  
9 dismissal of this action without prejudice and without further  
10 advance notice. The deadline expired three months ago and  
11 Petitioner has not paid the \$5 filing fee, requested an extension  
12 of time, or taken any other action to prosecute this case.

13 **IT IS THEREFORE ORDERED:**

- 14 1. Petitioner John L. Jackson's Petition for Writ of Habeas  
15 Corpus filed in the form of a Motion to Correct Illegal  
16 Sentence (ECF No.1-2) is dismissed without prejudice based  
17 on his failure to comply with the Court's order (ECF No.  
18 4) or the Local Rules of Practice  
19 2. The Clerk of Court is instructed to enter final judgment  
20 and close this case.

21 DATED: this 15th day of June, 2021.

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24 HOWARD D. MCKIBBEN  
25 UNITED STATES DISTRICT JUDGE  
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